

Fifth Circuit Court of Appeals in *Carswell v. Camp*, 54 F.4th 307, 310 (5th Cir. 2022), *cert. denied*, 144 S. Ct. 73 (2023):

The collateral order doctrine permits immediate appeals of these orders because a defendant's entitlement to qualified immunity must be determined “at the earliest possible stage of the litigation.” *Ramirez v. Guadarrama*, 3 F.4th 129, 133 (5th Cir. 2021) (per curiam). That's because qualified immunity is more than “a mere defense to liability.” *Pearson v. Callahan*, 555 U.S. 223, 237, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009) (quotation omitted). It's also “an immunity from suit.” *Ibid.* (quotation omitted). And one of the most important benefits of the qualified immunity defense is “protection from pretrial discovery, which is costly, time-consuming, and intrusive.” *Backe*, 691 F.3d at 648; *see also Helton v. Clements*, 787 F.2d 1016, 1017 (5th Cir. 1986) (per curiam) (a “refusal to rule on a claim of immunity” deprives a defendant of his “entitlement under immunity doctrine to be free from suit and the burden of avoidable pretrial matters”).

We have jurisdiction over the scheduling order here because the district court refused to rule on qualified immunity “at the earliest possible stage of the litigation.” *Ramirez*, 3 F.4th at 133. Defendants asserted qualified immunity in their motion to dismiss. That motion was the earliest possible opportunity for the district court to resolve the immunity question. It declined to do so.

Id. In the present case, Defendants each asserted their entitlement to qualified immunity in their Motion to Dismiss. However, the District Court declined to stay discovery until after addressing Defendants’ assertion of qualified and judicial immunity.

The names of all parties to the Order appealed from, as well as the names, addresses, telephone numbers, and emails addresses of their respective attorneys, are as follows:

Defendants/Appellants

RAMSEY ENGLISH CANTU, sued in his individual capacity and in his official capacity;
ROXANNA RIOS, sued in her individual capacity and in her official capacity;
OLGA RAMOS, sued in her individual and in her official capacity; and
ROBERTO RUIZ, sued in his individual capacity and in his official capacity.

Attorneys for All Defendants/Respondents:

Scott M. Tschirhart (Attorney in Charge)
Clarissa M. Rodriguez
Denton Navarro Rocha Bernal & Zech, P.C.
2500 W. William Cannon Drive, Suite 609

Austin, Texas 78745
512/279-6431
512/279-6438 (Facsimile)
smtschirhart@rampagelaw.com
cmrodriguez@rampagelaw.com

Jack R. Stern
P.O. Box 4359
Del Rio, TX 78841
jack@sternlawcorp.com

Plaintiff/Appellee

Enriqueta Diaz

Attorneys for Plaintiff/Appellee

Matthew S. Manning
Webb Cason & Manning, P.C.
710 Mesquite Street
Corpus Christi, Texas 78401
matt@wcctlaw.com

SIGNED this 10th day of January, 2024.

Respectfully submitted,

Denton Navarro Rocha Bernal & Zech, P.C.
attorneys & counselors at law • rampagelaw.com
A Professional Corporation
2500 W. William Cannon Drive, Suite 609
Austin, Texas 78745
512/279-6431
512/279-6438 (Facsimile)
smtschirhart@rampagelaw.com
cmrodriguez@rampagelaw.com

By:



SCOTT M. TSCHIRHART
State Bar No. 24013655
CLARISSA RODRIGUEZ
State Bar No. 24056222
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served in accordance with the Federal Rules of Civil Procedure and Federal Rules of Appellate Procedure on this 10th day of January, 2024, to the following:

Matthew S. Manning
WEBB CASON & MANNING, P.C.
710 Mesquite Street
Corpus Christi, Texas 78401
matt@wcctlaw.com

Via Electronic Notification

Jack R. Stern
P.O. Box 4359
Del Rio, TX 78841
jack@sternlawcorp.com

Via Electronic Notification



SCOTT M. TSCHIRHART